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Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Human Rights Violation in Myanmar and the current situation of the Rohingya

Since late August 2017 more than 680, 000 Rohingya have fled Myanmar in an attempt to escape the human rights violation and brutality of the military. The UN itself called the recent developments a 'textbook example of ethnic cleansing'. It is not the first time the Muslim minority is under attack in the predominantly Buddhist state of Myanmar, previous waves of assault and expulsion can be found throughout the last century. But the atrocities of the last months exceed the previous extent by far and underline the urgent need for the international community to act on behalf of the Rohingya.

According to *Doctors without Borders*, alone in the first thirty days after the crackdown an estimate of 6, 700 Rohingya were killed in the formally parliamentary democracy. As basis of legitimacy for the, in our eyes, disproportionate military actions served an attack by Rohingya insurgents on security posts near Rathedaung township on 25th August 2017. Since that day, more than 350 villages, where mostly Rohingya lived, have been burned down, personal property was destroyed, women were raped, men abused and children killed, forcing the residents to flee to the neighboring countries like Bangladesh, India, Thailand or Malaysia to escape the military violence in their home country Myanmar.

But besides this extreme abuse of power by the military, the general living conditions for the Rohingya in Myanmar - which probably triggered the insurgency in August - are precarious. The government recognizes 135 different ethnicities but the Rohingya are not included in them. They are politically and socially viewed as illegal immigrants from Bangladesh and only referred to as 'Bengalis'. Despite the fact that Rohingya families have lived in Myanmar for generations and even though there are supporting documents showing that the Rohingya have been living in Rakhine State since the 8th century, the state of Myanmar denies them citizenship. In consequence the Rohingya are stateless, stripped of their civil rights, the freedom to travel, to study, to marry or to bring children into the world without official permits. Rohingya, who had hoped that the end of the military dictatorship 2011 would change the institutional discrimination must have been deeply disappointed to watch the newly elected democratic leadership and the country's de facto leader Aung San Suu Kyi - not being able to set clear boundaries for the military - to continue with the oppression and human rights violations against their peers.

Many Rohingya who have fled and returned to Myanmar in the last decades now live in isolated townships or camps for *Internally Displaced People* (IDP) without being granted the same access to water, food and healthcare as the citizens of Myanmar enjoy. But today, around 900, 000 of the once 1.1 million Rohingya, who called the Rakhine state their home are now living as refugees under inhumane conditions in overcrowded camps in Bangladesh and have to deal on a daily basis with the fears and uncertainties that are connected with the shortages of clean water, food, sanitation, health care and education.

On 16th January 2018, the governments of Bangladesh and Myanmar reached an official agreement to repatriate the nearly 700, 000 Rohingya who sought protection in Bangladesh since October 2016. By looking at the terms agreed up on– 1, 500 people to return per week in two years – it becomes apparent that even from a purely mathematical standpoint the numbers do not add up and it would take at least nine years to complete the process. But even if the organizational conditions would were feasible, there are still enough other reasons to be deeply concerned about the repatriation plan. Foremost, the political and societal situation in Myanmar has not changed. The authorities have neither acknowledged the human rights violations and atrocities of the last year, nor has there been any sign of a policy reform concerning the recognition of the Rohingya as citizens of Myanmar and no assurance of a safe return and basic human and civil rights. On the one hand, the timeframe and quotas reveal Bangladesh's unwillingness to shelter the Rohingya for a longer period of time and on the other hint towards the assumption that this repatriation deal is primarily an attempt by Myanmar's government to appease and reassure the international society and the general public but not to solve the humanitarian crisis in the long run. Due to the nature of the agreement many Rohingya as well as human rights organizations fear a coerced return. But even if Rohingya wish to return to Myanmar voluntarily, the Myanmar authorities insist on the provision of evidence of past residence in Myanmar. This is a major issue and for most Rohingya an impossible obstacle to overcome because they have been deprived of their documents for years in the past or lost whatever they had during the arson attacks on their homes and during their escape.

Additionally, even though the current repatriation agreement envisions a possible involvement of the United Nations, the United Nations High Commissioner for Refugees (UNHCR) is up until now not involved in its implementation and is also not guaranteed access to potential returnees throughout the whole process. This fact should remind us that Myanmar refused to fully cooperate with an independent fact finding mission by the UN last year, that it is further denying aid agencies unhindered access as well as that it ended collaboration with United Nations Special Rapporteur on Myanmar Yanghee Lee. Moreover, the wrongful imprisonment of the two Reuter journalists Wa Lone, 31, and Kyaw Soe Oo, 27, last December, who were important contributors to an uncensored coverage of the situation in Myanmar, gives grounds for deep concerns about the respect of human rights by not only the seemingly uncontrollable military but also the state's political leaders.

Therefore, **Society for Threatened Peoples calls on the Human Rights Council** to urgently ask the Myanmar government and all departments concerned to pause the repatriation process at a time when still 70 to 120 Rohingya flee from their home country to the neighboring states and to only continue with the repatriation plan if and **when the following conditions are met:**

- The involvement of the UNHCR in the whole process of repatriation must be guaranteed
- Repatriation must be completely voluntary and the physical safety of returnees has to be guaranteed
- The Myanmar government needs to recognize the Rohingya as one of the official ethnicities in Myanmar and grant them full citizenship ensuring them the ensuing rights and freedoms without further discrimination and oppression as well as abolish the Myanmar Citizenship Law of 1982
- The Rohingya need to be allowed to have representatives who are going to be involved in the repatriation process
- The state of Myanmar must create demilitarized UN safe zones in the Rakhine State to ensure safety and dignity for the returnees
- The Myanmar government must compensate all material losses of the Rohingya which were caused by the military attacks, all lands and properties have to be given back to them as well as there needs to be a clear confirmation from the Myanmar government to rebuild the villages destroyed
- The Myanmar government has to provide unhindered access for humanitarian aid agencies to all parts of the Rakhine state

Furthermore, the Society for Threatened Peoples also calls on the Human Rights Council:

- To urge the Myanmar government to resume its cooperation with the UN and its special rapporteur Yanghee Lee
- To press the Myanmar government to release the journalists Wa Lone and Kyaw Soe Oo
- To encourage political and economic sanctions
- by its member states to raise the pressure on the Myanmar government
- To engage in a full criminal prosecution of the human rights violations in Myanmar.